



**Before the  
State of Wisconsin  
DIVISION OF HEARINGS AND APPEALS**

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In the Matter of Wetland Individual Permit IP-WC-2016-42-00902, issued to Meteor Timber LLC, for wetland fill or disturbance near Rudd Creek, in the Town of Grant, County of Monroe, State of Wisconsin

Case No. DNR-17-0013

In the Matter of Amended Wetland Individual Permit IP-WC-2016-42-00902, issued to Meteor Timber LLC, for wetland fill or disturbance near Rudd Creek, in the Town of Grant, County of Monroe, State of Wisconsin

Case No. DNR-17-0014

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**NOTICE OF PREHEARING CONFERENCE AND CONTESTED CASE HEARING  
AND ORDER FOR PUBLICATION**

As to Case No. DNR-17-0013, on May 19, 2017, the Department of Natural Resources (DNR) issued a preliminary permit decision, pursuant to Wis. Stat. § 281.36, granting Meteor Timber's permit application to fill 16.25 acres of wetlands for the purposes of constructing a dry plant processing facility and an associated transload facility for the shipment of industrial sand. The wetlands are located in the Town of Grant, County of Monroe, State of Wisconsin. Mr. Chris Mathis filed the permit application on behalf of Meteor Timber, LLC, which is located at 115 Perimeter Center Place, Suite 940, Atlanta, Georgia 30346. On June 19, 2017, Clean Wisconsin submitted a petition for a contested case hearing to review the decision and, on July 19, 2017, the DNR granted the request for a hearing and identified the following issues for hearing:

1. Whether the DNR had sufficient information to consider the factors used in the review contained in Wis. Stat. § 281.36(3n)(b);
2. Whether the petitioner was afforded the opportunity to comment on the proposed project pursuant to Wis. Stat. § 281.36(36(3m)(j);
3. Whether the DNR complied with Wis. Stat. § 281.36(3n)(d) regarding mitigation;
4. Whether the proposed project will result in significant adverse impacts to wetland functional values, in significant adverse impacts to water quality, or in other significant adverse environmental consequences;

5. Whether the proposed project represents the least environmentally damaging practicable alternative.

As to Case No. DNR-17-0014, on October 27, 2017, the DNR issued a preliminary decision granting Meteor Timber's amended permit application, pursuant to Wis. Stat. § 281.36. On November 27, 2017, Clean Wisconsin submitted a petition for a contested case hearing to review the decision and, on December 1, 2017, the DNR granted the request for a hearing and identified the following issues for hearing:

1. Whether the amended permit complies with Wis. Stat. § 281.36(3m) and (3n);
2. Whether the DNR properly amended Environmental Impact Condition 3(c) of the original permit;
3. Whether the amended permit authorizes the filling of, or authorizes mitigation credit for, wetlands subject to a U.S. Environmental Protection Agency Administrative Compliance Order on consent;
4. Whether the petitioner was afforded the opportunity to comment on the proposed project pursuant to Wis. Stat. § 281.36(3m)(j).

On December 8, 2017, the DNR requested that the Division of Hearings and Appeals conduct a contested case hearing based on both of Clean Wisconsin's requests for hearing.

NOTICE IS HEREBY GIVEN that the State of Wisconsin Division of Hearings and Appeals will hold a prehearing conference in the above captioned cases, pursuant to Wis. Stat. § 227.44, Wis. Admin. Code § NR 2.08(5), and Wis. Admin. Code § NR 2.12, **at 9:30 AM on February 20, 2018**, at the offices of the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, Wisconsin. Any person, organization or governmental unit wishing to become a party to this proceeding must appear at the conference in person or by an authorized representative. The purpose of the prehearing conference will be to identify parties to the proceeding, to simplify or clarify the issues which may be contested at the hearing, identify witnesses, discuss the exchange of exhibits, address any other matters as may aid in the disposition of the action, and, if necessary, reschedule the date for the contested case hearing. No testimony will be heard at the prehearing conference.

NOTICE IS HEREBY GIVEN that the State of Wisconsin Division of Hearings and Appeals will hold a contested case hearing in the above captioned cases, pursuant to Wis. Stat. § 281.36(3q)(g), Wis. Stat. § 227.46(1), Wis. Admin. Code § Chapter NR 2, **from February 26, 2018, until March 2, 2018**, at the Main Office of the F&M Bank, located at 1001 Superior Avenue, Tomah, Wisconsin 54660. **The proceedings will begin at 9:00 AM.** It is expected that testimony will be heard at the contested case hearing. The contested case hearing will be a Class 1 contested case, pursuant to Wis. Stat. § 227.01(3)(a). The procedures set forth in Wis. Stat. § 281.36(3q)(g), Wis. Stat. § 227.46(1), and Wis. Admin. Code § Chapter NR 2 will be followed and those procedures will closely resemble those which are normally followed at a trial in State Circuit Court.

All parties are advised that they have the right to seek the aid and assistance of legal counsel and to be represented by legal counsel at the public hearing.

Pursuant to the Americans With Disabilities Act, reasonable accommodations will be made to any qualified individual upon request. Please call the Division of Hearings and Appeals at (608) 266-3865 with specific information on your request prior to the date of the scheduled prehearing or hearing.

### ORDER FOR PUBLICATION

THE DIVISION, THEREFORE, ORDERS:

Pursuant to Wis. Admin. Code § NR 2.08(5), Wis. Stat. § 281.36(3q)(g)4, and Wis. Stat § 281.36(3p), the DNR shall cause a copy of the foregoing Notice to be published once **at least** 30 days before the date of hearing as a Class 1 notice under Wis. Stat. Ch. 985. Additionally, the DNR shall furnish proof of publication to the Division of Hearings and Appeals by **February 6, 2018**.

Dated at Milwaukee, Wisconsin, on January 3<sup>rd</sup>, 2018.

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By:

  
ERIC D. DÉFORT  
ADMINISTRATIVE LAW JUDGE